

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Guy W. Miller Examiner: Unknown
Serial No.: 10/686,129 Group Art Unit: 1615
Filed: October 14, 2003 Docket: 13682.0002USC1
Confirmation No.: 7630 Notice of Allow. Date:

Due Date:

Title: NON-DIGESTIBLE SUGAR-COATED PRODUCTS AND PROCESS

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 408493815 US
Date of Deposit: October 20, 2004

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By: 
Name: Lynda Kraft

Mail Stop IDS
Commissioner for Patents
P.O. Box 1450
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PATENT TRADEMARK OFFICE

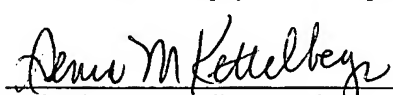
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 19 Reference(s)
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
P.O. Box 2903, Minneapolis, MN 55402-0903
612.332.5300

By: 
Name: Denise M. Kettelberger, Ph.D.
Reg. No.: 33,924
DMK:lek

S/N 10/686,129

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Guy W. Miller	Examiner:	Unknown
Serial No.:	10/686,129	Group Art Unit:	1615
Filed:	October 14, 2003	Docket No.:	13682.000002USC1
Title:	NON-DIGESTIBLE SUGAR-COATED PRODUCTS AND PROCESS		

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By:

Name: Lynnda Kraft

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop IDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner. Enclosed for the Examiner's information is a copy of the International Search Report. Applicant(s) note(s) reference(s) US 4,927,811 and US 6,200,605 also listed in the search report was/were previously cited to or by the Examiner. At least some of the references were recently cited in an International Search Report mailed September 16, 2002.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

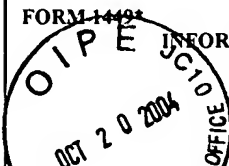
Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903

Date: 20 October 2004

Denise M Kettelberger
Denise Kettelberger, Ph.D.
Reg. No. 33,924
DMK:lek



FORM 1449  INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 13683.0002USC1	Application Number: 10/686,129
	Applicant: Guy W. Miller	
	Filing Date: October 14, 2003	Group Art Unit: 1615

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,681,771	07/21/1987	Adachi et al.			
	4,927,811	05/22/1990	Quarles			
	5,032,579	07/16/1991	Speights et al.			
	5,219,842	06/15/1993	Okada et al.			
	5,576,020	11/19/1996	Iritani et al.			
	5,688,777	11/18/1997	Garleb et al.			
	5,776,524	07/07/1998	Reinhart			
	5,827,526	10/27/1998	Dohnalek et al.			
	5,866,619	02/02/1999	Sintov et al.			
	6,194,379 B1	02/27/2001	McEwen et al			
	6,200,605 B1	03/13/2001	Day			
	6,203,797 B1	03/20/2001	Perry			
	6,221,350 B1	04/24/2001	Brown et al.			
	6,368,629 B1	04/09/2002	Watanabe et al.			
	6,436,453 B1	08/20/2002	van Lengerich et al.			
	6,468,568 B1	10/22/2002	Leusner et al.			
	6,475,540 B1	11/05/2002	Howling et al.			

FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Bezkarovainy, 2001, <i>Am. J. Clin. Nutr.</i> , Vol. 73 (suppl.), pp. 399S-405S "Probiotics: determinants of survival and growth in the gut."
		Bouhnik et al., 1999, <i>Journal of Nutrition</i> , Vol. 129, pp. 113-116 "Short-Chain Fructo-Oligosaccharide Administration Dose-Dependently Increases Fecal Bifidobacteria in Healthy Humans."

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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	Applicant: Guy W. Miller	
	Filing Date: October 14, 2003	Group Art Unit: 1615

		Campbell et al., 1997, <i>J. Nutr.</i> , Vol. 127, pp. 130-136 "Selected Indigestible Oligosaccharides Affect Large Bowel Mass, Cecal and Fecal Short-Chain Fatty Acids, pH and Microflora in Rats."
		Cummings et al., 2001, <i>Am. J. Clin. Nutr.</i> , Vol. 73 (suppl.), pp. 415S-420S "Prebiotic digestion and fermentation."
		Djouzi et al., 1997, <i>British Journal of Nutrition</i> , Vol. 78, pp. 313-324 "Compared effects of three oligosaccharides on metabolism of intestinal microflora in rats inoculated with a human faecal flora."
		Ellegård et al., 1997, <i>European Journal of Clinical Nutrition</i> , Vol. 51, pp. 1-5 "Inulin and oligofructose do not influence the absorption of cholesterol, or the excretion of cholesterol, Ca, Mg, Zn, Fe, or bile acids but increases energy excretion in ileostomy subjects."
		Gibson et al., 1995, <i>Journal of Nutrition</i> , Vol. 125, pp. 1401-1412 "Dietary Modulation of the Human Colonic Microbiota: Introducing the Concept of Prebiotics."
		Hussein et al., 1998, <i>J. Nutr.</i> , Vol. 128, pp. 2803S-2805S "Selected Fructooligosaccharide Composition of Pet-Food Ingredients."
		Jenkins et al., 1999, <i>Journal of Nutrition</i> , Vol. 129, pp. 1431S-1433S "Inulin, Oligofructose and Intestinal Function."
		Kaufhold et al., 2000, <i>Journal of Veterinary Medicine</i> , Vol. 47, No. 1, pp. 17-29 "Fructo-Oligosaccharide Supplementation: Effects on Metabolic, Endocrine and Hematological Traits in Veal Calves."
		Kleessen et al., 1997, <i>American Journal of Clinical Nutrition</i> , Vol. 65, pp. 1397-1402 "Effects of inulin and lactose on fecal microflora, microbial activity, and bowel habit in elderly constipated persons."
		Loo et al. 1999, <i>British Journal of Nutrition</i> , Vol. 81, pp. 121-132 "Functional food properties of non-digestible oligosaccharides: a consensus report from the ENDO project (DGXII AIRII-CT94-1095)."
		Molis et al., 1996, <i>American Journal of Clinical Nutrition</i> , Vol. 64, pp. 324-328 "Digestion, excretion, and energy value of fructooligosaccharides in healthy humans."
		Mul, 1997, Wageningen, Netherlands "Application of Oligosaccharides in Animal Feeds, in Proceedings: International Symposium on Non Digestible Oligosaccharides: Health Food for the Colon?"
		Nilsson et al., 1988, <i>Journal of Nutrition</i> , Vol. 86, pp. 1482-1486 "Availability of Cereal Fructans and Inulin in the Rat Intestinal Tract."

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		Roberfroid et al., 1998, <i>Journal of Nutrition</i> , Vol. 128, pp. 11-19 "The Bifidogenic Nature of Chicory Inulin and Its Hydrolysis Products."
		Simon et al., 1984, <i>Gastroenterology</i> , Vol. 86, pp. 174-193 "Intestinal Flora in Health and Disease."
		Wang et al., 1993, <i>Journal of Applied Bacteriology</i> , Vol. 75, pp. 373-380 "Effects of the <i>in vitro</i> fermentation of oligofructose and inulin by bacteria growing in the human large intestine."
		Copy of PCT International Search Report dated 09/16/2002 for International Application No. PCT/US02/12323



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